

House File 358 - Introduced

HOUSE FILE 358

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 83)

A BILL FOR

1 An Act relating to eluding or attempting to elude a pursuing
2 law enforcement vehicle, providing for temporary restricted
3 licenses, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.215, subsection 1, paragraph b, Code
2 2023, is amended to read as follows:

3 b. However, a temporary restricted license shall not be
4 issued to a person whose license is revoked pursuant to a court
5 order issued under section 321.209, subsections 1 through 5 ~~or~~
6 ~~subsection 7~~; to a juvenile whose license has been suspended
7 or revoked pursuant to a dispositional order under section
8 232.52, subsection 2, paragraph "a", for a violation of chapter
9 124 or 453B or section 126.3; to a juvenile whose license has
10 been suspended under section 321.213B; or to a person whose
11 license has been suspended pursuant to a court order under
12 section 714.7D. A temporary restricted license may be issued
13 to a person whose license is revoked under section 321.209,
14 subsection 6, only if the person has no previous drag racing
15 convictions. A person holding a temporary restricted license
16 issued by the department under this section shall not operate
17 a motor vehicle for pleasure.

18 Sec. 2. Section 321.215, subsection 2, unnumbered paragraph
19 1, Code 2023, is amended to read as follows:

20 Upon conviction and the suspension or revocation of a
21 person's noncommercial driver's license under section 321.209,
22 subsection 5, ~~or 6~~, or 7, or section 321.210, 321.210A, or
23 321.513; or upon the denial of issuance of a noncommercial
24 driver's license under section 321.560, based solely on
25 offenses enumerated in section 321.555, subsection 1, paragraph
26 "c", or section 321.555, subsection 2; or upon suspension
27 or revocation of a juvenile's driver's license pursuant
28 to a dispositional order under section 232.52, subsection
29 2, paragraph "a", for a violation of chapter 124 or 453B,
30 or section 126.3; or upon suspension of a driver's license
31 pursuant to a court order under section 714.7D, the person may
32 apply to the department for a temporary restricted license to
33 operate a motor vehicle for the limited purpose or purposes
34 specified in subsection 1. The application may be granted only
35 if all of the following criteria are satisfied:

1 Sec. 3. Section 321.279, subsection 1, paragraph b, Code
2 2023, is amended to read as follows:

3 b. The driver of a motor vehicle who commits a ~~second~~
4 ~~or subsequent~~ violation under this subsection and who has
5 previously committed any violation under this section is, upon
6 conviction, guilty of an aggravated misdemeanor.

7 Sec. 4. Section 321.279, subsection 2, Code 2023, is amended
8 to read as follows:

9 2. a. The driver of a motor vehicle commits ~~an aggravated~~
10 ~~misdemeanor~~ a class "D" felony if the driver willfully fails
11 to bring the motor vehicle to a stop or otherwise eludes or
12 attempts to elude a marked or unmarked official law enforcement
13 vehicle that is driven by a peace officer after being given a
14 visual and audible signal as provided in this section and in
15 doing so exceeds the speed limit by twenty-five miles per hour
16 or more.

17 b. The driver of a motor vehicle who commits a violation
18 under this subsection and who has previously committed a any
19 violation under this ~~subsection or subsection 3~~ section is,
20 upon conviction, guilty of a class "~~D~~" "C" felony.

21 Sec. 5. Section 321.279, subsection 3, Code 2023, is amended
22 by striking the subsection.

23 Sec. 6. Section 321J.2, subsection 3, paragraph b,
24 subparagraph (2), subparagraph division (f), Code 2023, is
25 amended to read as follows:

26 (f) If the offense was committed while also in violation of
27 section 321.279, subsection 3, ~~paragraph "a", subparagraph (2)~~
28 2.

29 Sec. 7. Section 907.3, subsection 1, paragraph a,
30 subparagraph (6), subparagraph division (f), Code 2023, is
31 amended to read as follows:

32 (f) If the offense was committed while also in violation of
33 section 321.279, subsection 3, ~~paragraph "a", subparagraph (2)~~
34 2.

35 Sec. 8. Section 907.3, subsection 2, paragraph a,

1 subparagraph (2), subparagraph division (f), Code 2023, is
2 amended to read as follows:

3 (f) The offense ~~is a~~ was committed while also in violation
4 of section 321.279, subsection 3, ~~paragraph "a", subparagraph~~
5 ~~(2)~~ 2.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to eluding or attempting to elude a
10 pursuing law enforcement vehicle (eluding), and provides for
11 temporary restricted licenses.

12 Under current law, persons convicted of eluding are not
13 eligible to be issued a temporary restricted license (TRL) (a
14 license issued to persons with suspended or revoked driver's
15 licenses to drive for limited purposes including employment,
16 health care, education, substance use treatment, community
17 service, and appointments with parole or probation officers).
18 The bill authorizes persons convicted of eluding to be issued
19 a TRL upon demonstrating a case of hardship or circumstances
20 where alternative means of transportation do not exist and upon
21 providing proof of financial responsibility.

22 Current law generally provides that a driver of a motor
23 vehicle who commits a second or subsequent eluding violation
24 is subject to an enhanced penalty if the second or subsequent
25 violation is found under the same Code subsection as the prior
26 violation. The bill amends current law to provide that a
27 person who commits a second or subsequent eluding violation
28 is subject to an enhanced penalty regardless of the Code
29 subsection under which the person was previously convicted.

30 The bill increases the penalty for eluding when a driver
31 exceeds the speed limit by 25 miles per hour or more (Code
32 section 321.279(2)) from an aggravated misdemeanor to a class
33 "D" felony. The penalty for a second or subsequent violation
34 is increased from a class "D" felony to a class "C" felony. A
35 class "D" felony is punishable by confinement for no more than

1 five years and a fine of at least \$1,025 but not more than
2 \$10,245. A class "C" felony is punishable by confinement for
3 no more than 10 years and a fine of at least \$1,370 but not more
4 than \$13,660.

5 Because the bill makes the penalties for a violation of
6 Code section 321.279(2) identical to Code section 321.279(3)
7 (eluding and exceeding the speed limit by 25 miles per hour
8 or more while participating in a felony, operating while
9 intoxicated, violating Code section 124.401 (manufacture,
10 delivery, or possession of a counterfeit substance, simulated
11 controlled substance, or imitation controlled substance), or
12 causing bodily injury to a person other than the driver), the
13 bill strikes Code section 321.279(3) and makes corresponding
14 changes.